

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 7, 2014
MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Jr., Vice Chair
Barbara Renaud
Sharon Raymond
Gordon Vinther
Diane Shaw, alternate
Pat Swank, alternate
Lori Mattimore, alternate
Nathan Page, alternate and Acting Coordinator

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman, Jay Diener, at the Hampton Town Hall Lobby This meeting was postponed from December 17, 2013 because of a snow storm.

CONSIDERATION OF MINUTES:

MOTION by Mr. Tilton to approve the November 19, 2013, minutes with edits provided.

SECOND by Ms. Raymond

VOTE: 7 in favor; 0 opposed- Page abstained.

APPOINTMENTS: There were no appointments before the Commission.

APPLICATIONS:

1. 1036 Ocean Boulevard, Howard Elias, NHDES Wetlands Permit Application Expedited Review (Minimum Impact) & Town Special Permit

John Chagnon speaking on behalf of Howard Elias 1036 Ocean Blvd, reviewed the plan for seawall repair/reinforcing including review of the wall and set of stairs to the beach. He stated the existing stairs are in good shape, have been permitted under a previous DES application, and will remain in place. The wall however, has sluffed down to small rocks. It is requested that the rocks be taken down and rebuilt using bigger rocks. The applicant has concerns about bringing in new rocks and the plan has been modified so the smaller rocks can be pinned together creating masses that would be between 4000 and 7000 pounds. No change in the height of the wall is proposed, it would be a rebuild of the wall only. Further, the existing retaining wall at the edge of the yard also needs repointing.

The Commission members at the site visit questioned the need for a railing, since the top of the seawall is on town land, and there is a drop-off from the top of the wall to the boulders. The applicant is not in favor of a railing, but there may be no choice. Mr. Chagnon noted that this is a minimum impact expedited permit to be filed with the DES. Copies have been submitted and, with the Chair signing off, the applicant could appear before the Planning Board for a Town Special Permit later this month.

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Mr. Chagnon stated that the abutters to the south were in the same position, and they would be filing an application for their seawall as well. Mr. Diener stated that the two applications would be treated separately.

Mr. Diener explained that the Conservation Commission is an advisory board to the Planning Board and this Commission will make recommendation to the Planning Board, who in turn, will forward to the Board of Selectmen, who will take into account that work is being done on Town land.

Mr. Diener stated he is concerned about safety of people on the Town land on top of the wall, which resulted in the discussion of a railing. A person could fall 4 – 6 feet before hitting rocks.

Ms. Raymond noted that this does not fall under the jurisdiction of the Conservation Commission in that the Planning Board or Selectmen have town-owned property jurisdiction.

Mr. Page suggested that the Conservation Commission not make recommendation to the Selectmen regarding the railing as this falls under the Selectmen's purview. Further the Town Attorney will be reviewing the plan. Ms. Raymond stated that if there were discussion about the railing and, if it were to be required, the applicant would have to return to the Conservation Commission for plan modification.

Ms. Swank questioned whether the Planning Board will be notified about the wall drop off. Mr. Diener stated that the drop off is shown on the plan and in the photographs.

Mr. Tilton questioned the movement of the stones. Mr. Chagnon said they will be removed, placed on the sand, and rebuilt. Stones will be reused with large rocks going over small rocks.

Ms. Raymond stated that the stairs are to remain in place, without different placement or configuration.

Mr. Diener stated that an amended permit would be required should there be a design change before construction.

Mr. Chagnon noted that the contractor is aware and is applying for those permits needed to get onto the beach with his equipment. Mr. Page stated that it is necessary to post a bond before accessing the beach and has met with Mr. Chagnon to review the requirements.

Ms. Renaud, with regard to the next property south of this applicant, asked Mr. Chagnon to confirm he will be building the southerly wall at the same time and in the same manner to ensure there would be no gaps or differences in the footprint that would allow wave action to damage neighboring properties. He stated it will be the same contractor at the same time.

MOTION: Mr. Tilton moved not to oppose the NHDES Minimum Impact Application for seawall reconstruction and authorize the Chairman to sign the application.

SECOND: Ms. Raymond

VOTE: 6 in favor, 2 abstain (Diener and Page)

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MOTION: Mr. Tilton moved to recommend the Special Permit Application to the Planning Board based on the plans as submitted for the property located at 1036 Ocean Boulevard.

SECOND: Ms. Raymond

DISCUSSION ON MOTION: Ms. Raymond, with reference to the railing and the steep drop off, would recommend the Planning Board look at safety options as necessary. Further, if the wall is to be altered, the applicant would return to the Conservation Commission for additional discussion.

VOTE ON AMENDED MOTION: Mr. Tilton moved to recommend the Special Permit Application to the Planning Board based on the plans as submitted for the property located at 1036 Ocean Boulevard with the provision that if there are to be any additional alterations to the wall, the applicant will return to the Conservation Commission for further review.

VOTE: 6 in favor – 0 opposed – 2 abstentions (Diener and Page).

The Planning Board will review this application on January 15, 2014

2. 188 Island Path, Robert P. Hodgman & Diane M. O’Neil, NHDES Wetlands Permit Application – Expedited Review (Minimum impact)

The applicant, by prior agreement, was not present for this meeting. Mr. Page reviewed the application for the Commission. He stated that this matter is out of the 50 ft. buffer, and only review for DES is required. He stated there was a site walk and the existing house is to be moved off the site. It is proposed a new home will be added with a Perma-Pave driveway; that the property meets all setbacks; and, it is within the 100 foot tide buffer; and 28.8% sealed surface, which is well below the threshold. The gravel driveway is impervious and the new driveway will be permeable. Mr. Page also noted that there is no impact on Conservation Commission jurisdiction; that silt barriers are to be installed; and, there are no erosion concerns. The marsh is across the road, well off the property.

MOTION: Ms. Renaud moved not to oppose the NHDES Wetlands Permit Application for the property located at 188 Island Path.

SECOND: Mr. Tilton

VOTE: 6 In Favor – 0 opposed – 2 Abstain (Diener and Page)

OLD BUSINESS:

a. Hurd Farm Signage

The Commission agreed to take this item off the agendas, since there is another move for general signage for all Town conservation properties. There was a discussion about signage for the trails in 12-Share, specifically for bikers, which shall indicate that users should remain on the existing trails and stay away from private property. There is an issue of users sweeping the trails, which could cause erosion problems. Trails have been manicured and ramps and obstacles have been built. Further, natural coverage has been removed from the boulders. It was suggested that the public be educated, perhaps by a brochure available to those using the trails. Ramps are also being put up on private property by those assuming the private land is town or conservation land.

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The information needs to be available to the public and it was recommended that we get approval from the Selectmen to have the DPW produce signs indicating defined trails.

b. Permitting for Ice Pond Dam

Mr. Diener spoke to the Warrant Article for funding for the replacement of the Ice Pond dam, which will not be on the Ballot this year. He stated that Stevens Associates is on board to do the permitting for the Dam, and asked if there is a reason for them not to proceed in that the secured permitting would allow for the work when the time comes. Ms. Raymond suggested that it is appropriate to secure the permits at this time, and having them in hand might make it easier to get Town approval to move forward and to secure funding. Mr. Page spoke about people taking photographs of skating events which is important for the community and getting the word out that the pond is publically accessible. The Parks and Recreation Department is supporting these efforts. A packet of information will become available. Ms. Raymond stated that information to the public will produce good will and the photos will get people to think about the Ice Pond. Mr. Diener stated that the good will may generate additional funding. It was also noted that after permitting, Stevens Associates will be doing the construction management; and, hopefully, this time next year the Warrant Article will be on the Ballot.

The Commission reached consensus and is in agreement to move ahead with the permitting process.

c. Review of acceptance of easements to Juniper Lane and Huckleberry Lane 8-lot subdivision for Selectmen

This area is an 8-lot subdivision in Great Gate which was approved about two years ago. The road is in, as well as the sewer line, and the developers are prepared to move forward. The Commission was asked by the Selectmen to comment on the release of 50% of the surety bond that was applied to the project. This is not under the Conservation Commission's jurisdiction; therefore, there is no reason to recommend or oppose. The Selectmen also asked the Commission to make a recommendation regarding acceptance of the drainage easements.

Mr. Page stated he has seen the plans which show the lots. This plan was dealt with in May of 2013, and the developers have come with a drainage easement to be negotiated with the Town Attorney. He suggested recommending to the Selectmen they approve the acceptance of the drainage easements for the 8-lot subdivision. Ms. Raymond stated this is not constructed yet, and would be an acceptance of an easement outside the as-built. She noted her concern for the acceptance. She also questioned whether, if accepting the easement, would the Town also be accepting the liabilities.

Attorney Gearreald stated it is up to others whether something is built the way it is supposed to be built and the easement being requested is the land interest. The roads will not be accepted as Town roads. Further, a plan would not be recorded until it included the as-built, and the plan would not be recorded for a number of years. Mr. Page stated that the Selectmen will not move forward if the Commission has not commented. Attorney Gearreald stated the language should be developed before acceptance.

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MOTION: Ms. Raymond moved to recommend to the Selectmen acceptance of easements to Juniper Lane and Huckleberry Lane, 8-Lot Subdivision, noting that the infrastructure is not yet built; and, on the as-built plans, it should be verified the infrastructure in the easement is built in accordance with the plan.

SECOND: Ms. Renaud

VOTE: 6 in favor 0 opposed – 2 abstain (Diener and Page)

NEW BUSINESS:

a. Cindy Willis, Victory Garden update and plans for 2014.

Ms. Willis was not present for this meeting. She provided a Memorandum which is the Hampton Victory Garden 2013 Annual Report, dated January 4, 2014.

The Commission reviewed the Memo. Ms. Renaud had a number of questions regarding the financial portion. She will meet with Ms. Willis regarding the checking account and financial questions.

There was discussion about the condition of the cooperage. Ms. Shaw stated the cooperage should be taken down; and, a vote of the Selectmen should be taken to remove.

Further, if the drainage problem becomes an issue, the DPW Director should be notified.

Ms. Renaud stated that there is a potential to expand the Garden. Mr. Tilton stated a limiting factor is the fence the Garden members want to replace.

Ms. Willis will be asked to attend the March Conservation Commission meeting for further discussion.

There was also discussion on converting Twelve Share into a community forest, including establishing signage and maintenance responsibilities.

CHAIRMAN UPDATE

On MOTION by Mr. Tilton, Seconded by Ms. Raymond, the Hampton Conservation Commission voted by ROLL CALL vote to enter into a Non-Public Meeting under Chapter RSA 91-A:3. II (d).

In Favor: Ms. Swank, Mr. Tilton, Ms. Raymond, Ms. Shaw, Mr. Vinther, Mr. Diener, and Ms. Renaud Opposed: 0; Abstain: Mr. Page

The Conservation Commission Public Hearing was suspended to enter into a Non-Public Meeting at 8:50 p.m.

The Conservation Commission's Non-Public Meeting was adjourned to return to the Public Hearing 9:02 p.m.

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CONSERVATION COORDINATOR UPDATE

Mr. Page reported on Nudd's Landing, off Landing Road, stating that the applicants have been in to speak with him; that there will be no impacts on land as the project will be done by water. A Special Permit will not be needed; however, the applicants will need to apply for a DES and Wetlands Permit.

Further, Mr. Page was asked by the Town Manager to view Nor'East Lane. #1042 Ocean Blvd. still has a conduit which was supposed to be removed. There has been no application to the Selectmen for their amended seawall plan. Also, the foundation was raised 3 ft. due to new FEMA floodplain requirements, and fill has been added and the plan has changed. The applicant will return to the Commission the end of January to discuss the changes within the 50 ft. buffer, above the seawall

With regard to 48 Hobson Street, a deck, larger than previous existing deck, has been built. The applicant was encouraged, but has not returned to the Town with an application for Special Permit or DES application.
This matter is now in the Legal Department.

Mr. Diener reported that North Shore Road currently has a "For Sale" sign on the property and the previous buyer may have backed out. This matter involves a 25 foot buffer exchange with a small piece of property.

TREASURER's REPORT – Barbara Renaud

Ms. Renaud provided the Quarterly Report – 2013, and reviewed various accounts with the Commission. Copy on file.

JANUARY MEETING:

The next Hampton Conservation Commission Public Hearing will be held on Tuesday, January 28, 2014.

ADJOURN:

MOTION to ADJOURN by Mr. Tilton at 9:15 p.m.

SECOND by Ms. Raymond

VOTE 7- In Favor- 0 Opposed

Respectfully submitted,
Anne Marchand, Substitute Recorder.